

# MEMORANDUM

Agenda Item No. 8(L)(10)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

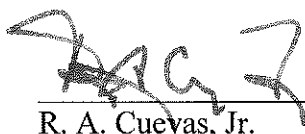
**DATE:** February 4, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution declaring the  
acquisition of the designated  
property known as Parcel 59A for  
the People's Transportation Plan  
(PTP) entitled improvements on  
SW 216 Street from the Florida  
Turnpike to SW 127 Avenue, to  
be a public necessity

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The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



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R. A. Cuevas, Jr.  
County Attorney

RAC/lmp

# Memorandum



**Date:** February 4, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

**Subject:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 59A for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a Public Necessity and Authorizing the use of Charter County Transportation Surtax Funds

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## **Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which does the following:

- Declares the acquisition of Parcel 59A required for the road widening, beautification, and right-of-way improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a public necessity; and
- Authorizes the County Mayor or the County Mayor's designee and the County Attorney to employ appraisers, expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject parcel in fee simple, either by negotiation, donation, right-of-way designation, purchase at values established by appraisals or tax assessed values whichever is the higher of the two, together with reasonable attorneys' fees and costs pursuant to Sections 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County.

This resolution is for the acquisition of Parcel 59A and is the final group of parcels needed by Public Works and Waste Management (PWWM) for programmed improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue. This final group of parcels will consist of 17 parcels, which are simultaneously being presented for BCC approval on this agenda. Florida Statute Section 127.02 requires that there be a separate resolution for each individual property.

Said Resolution is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the BCC if the CITT has forwarded a recommendation to the BCC prior to the date scheduled for BCC consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this item, I will request a withdrawal of this item.

## **Scope**

The impact of this project is countywide; however, it is located within Commissioner Dennis C. Moss' District 9.

## **Fiscal Impact/Funding Source**

Funding for the right-of-way acquisition, design and construction of this Project is from Charter County Transportation Surtax bond proceeds, and may be supplemented by other

eligible funding sources. Funding is programmed within the adopted FY2013-2014 Capital Budget and the index code is CPEPTP709216. The initial acquisition costs have been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition costs would be subject to a future ruling by the Court.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at \$11,966,000.00. The anticipated ongoing annual maintenance and operational costs will be approximately \$26,929.91 and \$4,320.68, respectively.


**Track Record/Monitor**

The Public Works and Waste Management Department is the entity overseeing this project and the responsible person for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer, Right-of-Way Division.

**Background**

PWWM has programmed the construction of SW 216 Street as part of the People's Transportation Plan Project Entitled *Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue*. The proposed project includes roadway expansion, beautification and improvements. Improvements consist of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting.

The area to be acquired by Miami-Dade County is necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map "Exhibit B-3" attached herewith.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor



## MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** February 4, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(L)(10).

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(L)(10)

2-4-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 59A FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. This Board finds and declares that the acquisition of the subject parcel, as legally described in "Exhibit A" and shown on project location map in "Exhibit B-3" all attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue.

Section 3. This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any action to acquire the subject parcel, as legally described in "Exhibit A" in fee simple, including any businesses thereon, either by negotiation, donation, right of way designation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorneys' fees, expert fees and costs pursuant to Sections 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner ,  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of February, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Debra Herman



**LEGAL DESCRIPTION**  
(FEE SIMPLE)

The North 5.00 feet of the South 40.00 feet and the West 5.00 feet of the East 25.00 feet of the following described parcel of land;

The West 100.00 feet of the East 120.00 feet of the South 150.00 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida. LESS existing public right-of-way.

AND

The external area formed by a 25.00 foot radius arc, concave to the Northwest, tangent to the North line of the South 40.00 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 7 and tangent to the West line of the East 25.00 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 7. LESS existing public right-of-way.

**EXHIBIT A**

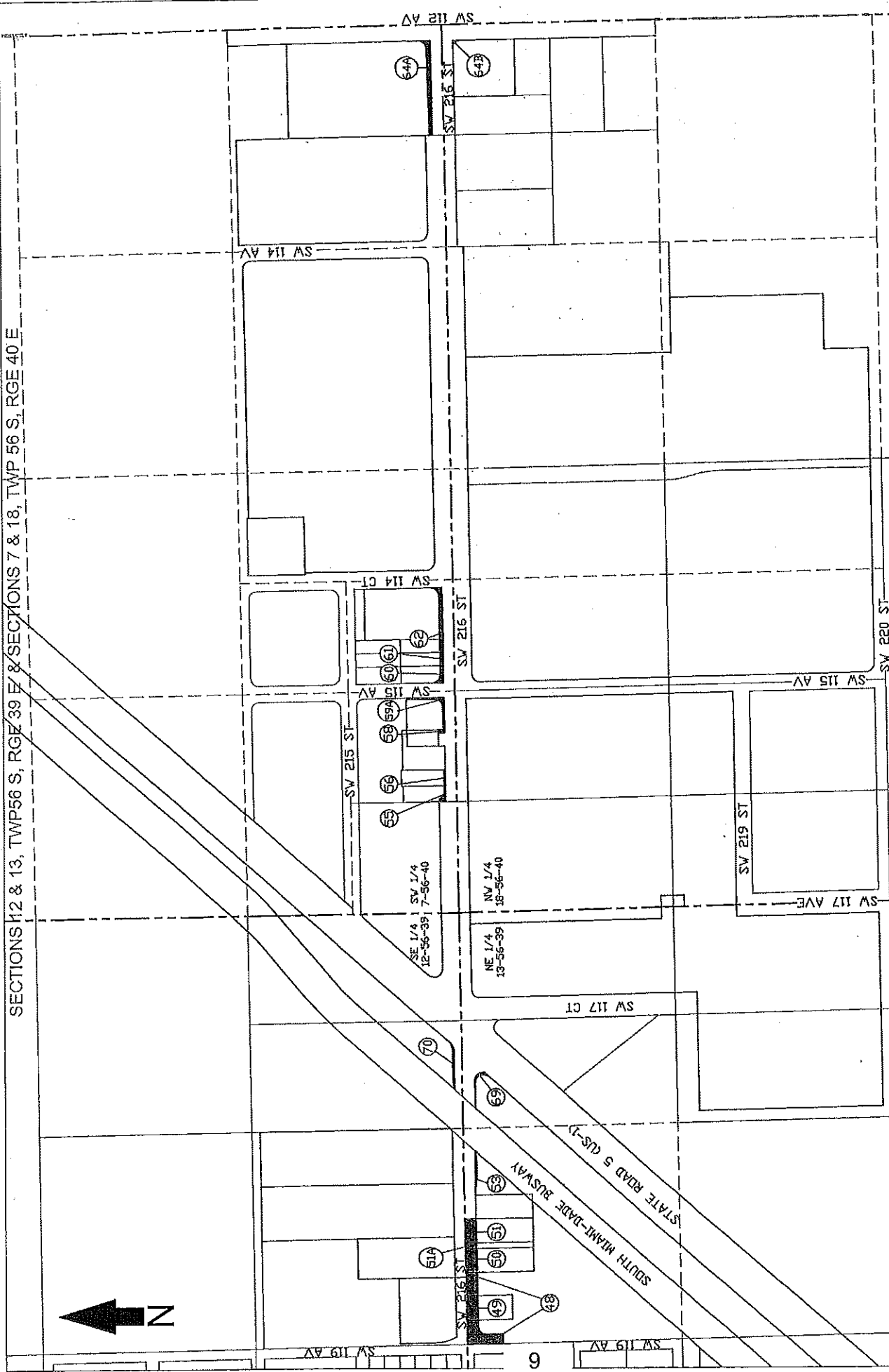
PROJECT NO. 20040348

PARCEL 59A

Page 1 of 1



SECTIONS 12 & 13, TWP 56 S, RGE 39 E & SECTIONS 7 & 18, TWP 56 S, RGE 40 E



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PROJECT NUMBER 20040348	RIGHT-OF-WAY TO BE ACQUIRED	① PARCEL NUMBER	NOT A SURVEY
SW 216 STREET			NOT TO SCALE
FROM SW 127 AVE. TO H.E.F.T.			PHASE 3

**EXHIBIT "B-3"**



## Memorandum



**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Charles Scurr, Executive Director

**Date:** January 23, 2014

**Re: CITT AGENDA ITEM 5B:**

RESOLUTION DECLARING THE ACQUISITION OF DESIGNATED PROPERTIES KNOWN AS PARCELS 48, 49, 50, 51, 51A, 53, 55, 56, 58, 59A, 60, 61, 62, 64A, 64B, 69, AND 70, FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTIES IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (PWWM – BCC Legislative File No. 132551, 132553, 132560, 132575, 132576, 132578, 132552, 132555, 132561, 132562, 132590, 132573, 132554, 132556, 132557, 132558, 132559)

On January 23, 2014, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-059. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye  
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye  
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Joseph Curbelo – Aye  
Alfred J. Holzman – Aye  
Jonathan Martinez – Aye  
Miles E. Moss, P.E. – Aye  
Marilyn Smith – Aye

Peter L. Forrest – Aye  
Prakash Kumar – Aye  
Alicia Menardy, Esq. – Absent  
Hon. James A. Reeder – Aye  
Hon. Linda Zilber – Absent

**cc:** Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management  
Department  
Bruce Libhaber, Assistant County Attorney